

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

James R. Rose,)	Civil Action No.: 0:18-cv-02985-RBH-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
M. Stephan, Washington, Peoples,)	
and Unknown Sergeant,)	
)	
Defendants.)	
_____)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Paige J. Gossett, who recommends granting Defendants’ motion to dismiss and dismissing Defendant Unknown Sergeant from this action without prejudice pursuant to Fed. R. Civ. P. 4(m).¹ See ECF No. 41.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No parties have filed objections to the R & R, and the time for doing so has expired.² In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the

¹ The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.).

² Defendants’ objections were due by April 10, 2019, and Plaintiff’s objections were due by April 15, 2019. See ECF Nos. 41 & 42.

Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts the Magistrate Judge's R & R [ECF No. 41]. Accordingly, the Court **GRANTS** Defendants' motion to dismiss [ECF No. 18] and **DISMISSES** Defendant Unknown Sergeant *without prejudice* pursuant to Fed. R. Civ. P. 4(m). This action remains pending as to Defendants M. Stephan, Washington, and Peoples.

IT IS SO ORDERED.

Florence, South Carolina
April 30, 2019

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge